IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT

JODHPUR

ORDER

S.B.CRIMINAL MISC. PETITION NO. 590/2004
(Milap Chand & Anr. V/s State of Rajasthan & anr.)

Date of Order : 21/08/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. B.N.Kalla, for the petitioners.
Mr. Ashok Upadhyay, public prosecutor.
Mr. Manoj Rathore for the non-petitioner No.2.

BY THE COURT:-

By the instant criminal misc. petition under Section 482 Cr.P.C., the petitioners have challenged the order dated 21.5.2004 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Act Cases, Bhilwara (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioners against the order framing charge dated 27.1.2003 passed by Additional Chief Judicial Magistrate, Bhilwara (for short 'the trial court' hereinafter), was dismissed.

I have heard learned counsel for the parties. Carefully gone through the order of the revisional court as well as of the trial court.

It appears that the complainant purchased a tractor from the petitioners by way of an agreement for a sum of Rs.1,30,000/-. In all, the complainant has paid Rs. 1,01,000/- break up of which is Rs. 30,000/-, 40,000/-, 13,000/- 15000/- and 3000/- out of Rs. 1,30,000/-. The tractor was entrusted by the petitioners to some one else by deceitful means though it was sold by the petitioners to the non-petitioner complainant for a valuable consideration of Rs.1,30,000/- out of which, Rs. 1,01,000/- has been received by the petitioners.

The trial court on the material placed before it took the cognizance of the offence. That order has not been challenged by the petitioners. On the same material, the trial court framed the charges against the petitioners and that order came to be challenged by the petitioners before the revisional court. The revisional court on re-examination of the record, came to the conclusion that prima-facie there is ground to presume that the petitioners have committed the offence for which the charge has been framed against them.

In my view, the conclusion arrived at by the trial court as also by the revisional court cannot be said to be erroneous. It cannot be said that the order impugned would result in serious miscarriage of justice.

The petition has no force and it is therefore, dismissed. Stay petition also stands dismissed.

(H.R.PANWAR),J.

rp